

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JODI L MCCLARAN**  
Claimant

**APPEAL 19A-UI-08245-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 09/29/19**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

On October 23, 2019, Jodi McClaran (claimant) filed an appeal from the October 21, 2019, reference 01, unemployment insurance decision that claimant voluntarily quit without good cause attributable to the employer.

A telephone hearing was held on November 8, 2019 at 1 p.m. The parties were properly notified of the hearing. The claimant participated personally. Team Staffing Solutions Inc. (employer) did not register a number for the hearing and did not participate.

**ISSUE(S):**

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

Did the claimant make a timely request for another job assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed by employer as a temporary employee beginning on January 7, 2019. She was initially placed on that date. That initial placement ended on July 3. She was subsequently placed with West Liberty Foods on September 16. West Liberty Foods ended that placement on October 3 due to claimant being absent on October 1, 2, and 3. Claimant properly reported her absences on October 1 and 3 by calling West Liberty Foods' absentee line at least two hours prior to the start of her shift. She did not report her October 2 absence at least two hours prior to the start of her shift. However, she did call West Liberty Foods' HR office and employer to notify them of her absence that day. Claimant also notified employer of her October 3 absence.

On October 3, employer informed Claimant of the end of her assignment at West Liberty. Claimant requested another placement that same day. She then went to employer in person on October 4 to again request placement. Since that time she has made several other requests for

placement. She is still employed by employer and registered for employment, but has not been placed again.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the October 21, 2019, reference 01, unemployment insurance decision that claimant voluntarily quit without good cause attributable to the employer is reversed. Claimant is awarded benefits, so long as she is otherwise eligible.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

j. (1) The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

(2) To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Iowa Admin. Code r. 871-24.26(15) provides:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment

assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

Because the evidence presented shows claimant was a temporary employee who sought reassignment from employer within three days of the end of her assignment, she cannot be deemed to have voluntarily quit employment.

**DECISION:**

The October 21, 2019 (reference 01) unemployment insurance decision is reversed. The claimant did not voluntarily quit without good cause attributable to employer, as she timely sought reassignment as required by Iowa law. As such, she is not disqualified and is eligible for benefits, so long as she meets all other eligibility requirements.

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Andrew B. Duffelmeyer  
Administrative Law Judge

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Decision Dated and Mailed

abd/scn